

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

Michael E. Wyatt)	
)	
)	
Plaintiff,)	Case No. 7:14-cv-492-NKM-RSB
)	
v.)	
)	
Johnny Owens, <i>et al.</i> ,)	
)	
Defendants.)	

**SUPPLEMENT TO PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES, EXPENSES, AND COSTS**

On May 19, 2017, Plaintiff Michael E. Wyatt moved for an award of attorneys' fees, expenses, and costs under 42 U.S.C. § 1988. ECF No. 181. For the reasons explained in the memorandum in support of that motion, Mr. Wyatt is "entitled, under § 1988, to recover those reasonable out-of-pocket expenses ... normally charged to a fee-paying client." ECF No. 181-1, at 20 (quoting *Spell v. McDaniel*, 852 F.2d 762, 771 (4th Cir. 1988) (internal quotation marks omitted)). The May 19 motion explained that Mr. Wyatt's requests for costs would be revised and finalized once internal accounting procedures were completed. Accordingly, Mr. Wyatt now submits the attached Supplemental Declaration of Gordon Todd and attachment thereto, which document states that Sidley Austin LLP incurred \$128,563.80 in expenses and costs in this matter, not including expert fees and costs, through May 4, 2017.¹ These expenses and costs were necessarily incurred and are the type of out-of-pocket expenses normally billed to fee-paying clients.

¹ Plaintiff's Memorandum in Support stated that Mr. Wyatt's attorneys expended \$127,700.81 in expenses and costs in the matter, not including expert fees and costs. The final figure reflects expenses incurred before May 4, 2017, that were not yet reflected in Sidley's accounting system at the time of Mr. Wyatt's motion.

Supp. Todd Decl. ¶ 3. Further, in an exercise of billing judgment, Plaintiff's Counsel reduced or eliminated additional expenses actually incurred but not sought in this motion. *Id.*

In addition, and as previously explained, ECF No. 181-1, at 20–21, Mr. Wyatt is entitled to recover \$2,047.57 in expert fees and expenses—less than a tenth of the fees and expenses actually expended on experts. *See* Todd Decl. ¶ 10. Therefore, Mr. Wyatt respectfully renews his request for an award of costs and expenses in the amount of \$130,611.37, plus post-judgment interest.

Dated: June 13, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2017 I caused a copy of the foregoing Memorandum in Support of Motion for Attorneys' Fees, Expenses, and Costs to be served via ECF on the following counsel:

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